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U.S. Jury Indicts Key Israeli As Pollard's Spying 'Handler'

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A federal grand jury here indicted a senior Israeli Air Force commander yesterday for allegedly recruiting and supervising Jonathan Jay Pollard in a spying operation that smuggled thousands of pages of top-secret U.S. military documents to Israel.

The espionage charges against Aviem (Avi) Sella were returned days after the Israeli government angered U.S. officials by elevating Sella to the command of its second largest Air Force base, despite repeated warnings that his indictment here was imminent. The episode threatens a new storm in U.S.-Israeli relations. [Story on Page A14.]

Sella, 41, identified by the Justice Department as a brigadier general, will probably never stand trial in an American courtroom, since the U.S.-Israeli extradition treaty does not cover espionage offenses. But sources said the indictment strongly signals the gravity with which U.S. authorities view the Pollard spy affair.

Pollard, 32, a former U.S. Navy intelligence analyst who pleaded guilty to espionage last June, is to be sentenced today by U.S. District Court Judge Aubrey E. Robinson Jr.

Pollard said last week he was told that "the highest levels of the Israeli government" knew of his espionage efforts. Israeli officials repeatedly have said that the Pollard ring was a "renegade operation" not authorized by the government.

Sella's attorney, Nathan Lewin, had no comment. An Israeli Embassy spokesman also would not comment.

The indictment is likely to strain Washington-Jerusalem relations further since the State Department warned that U.S. authorities would refuse to deal with Sella if he was promoted. U.S. officials believe Sella's elevation violates an Israeli

pledge that those involved in the Pollard ring would not be rewarded.

"The U.S. government has been saying, 'Don't promote this guy because he's about to be indicted,'" said one official familiar with the case. "We don't want to do business with him. Our senior military people don't want to do business with him . . . The Israelis turned right around and tweaked our beak."

State Department spokesman Phyllis Oakley yesterday expressed irritation at Israel's handling of Sella, noting that Israel had said that it would move to prevent a repetition of espionage in the United States and that any Israeli involved in the Pollard case "would be called to account."

"We expect the government of Israel to stand by these undertakings," Oakley said.

No arrest warrant was issued for Sella, and U.S. Attorney Joseph E. diGenova would not say whether the Justice Department will ask Israel to turn him over voluntarily. DiGenova said he would not comment on the Sella indictment until Pollard's sentencing today.

DiGenova said the attorneys for three other Israelis who are indicted coconspirators in the case have been told that the Israelis' immunity from prosecution is "being reviewed." Sources said the Justice Department has told the attorneys that the immunity, granted in the early stages of the probe, is being revoked because they gave investigators misleading information.

The three-count indictment, believed to be the first U.S. espionage charges against an Israeli citizen, said Sella recruited Pollard to spy for Israel in the summer of 1984 and served as his first "handler" in the United States. When Pollard provided two secret U.S. Army intelligence studies, Sella told him "that the documents and information were of great value to Israel, and he encouraged Pollard to pro-

vide more such documents and information," the indictment said.

Sella told Pollard at the outset that he would be paid a salary for his espionage work, the indictment said. Pollard eventually received about \$45,000 in monthly payments, travel and gifts and was promised \$300,000 more in a Swiss bank account over 10 years.

The indictment said Sella, then a graduate student at New York University, also arranged for Pollard and his wife, Anne Henderson-Pollard, to travel to Paris to meet Rafael Eitan, a former terrorism adviser to two Israeli prime ministers. Eitan is one of the three indicted coconspirators.

Sella obtained classified documents from Pollard in such places as Dumbarton Oaks in Georgetown and Potomac, Md., and entertained Pollard and his wife in restaurants in Washington, Paris and Tel Aviv, the indictment said.

Sella later returned to Israel but was here in November 1985 when Pollard was confronted by the FBI. After Pollard called his wife with a code word—"cactus"—meaning that he was in trouble, she telephoned Sella, who met her in a Bethesda restaurant, the indictment said. Sella was unable to help Pollard, who was denied asylum at the Israeli Embassy shortly before his arrest.

Sella never agreed to be interviewed by Justice Department officials, despite lengthy negotiations over whether he would submit to questioning in exchange for a grant of immunity, sources said.

Pollard caused "exceptional" damage to U.S. national security through his job with the Navy's Antiterrorist Alert Center in Suitland, where he had access to data about technical systems for collecting intelligence and intercepting communications, according to court papers filed by diGenova and Assistant U.S. Attorneys David F. Geneson and Charles S. Leeper.

They said Sella had described "particular technical information which would be of primary interest to Israel and stressed that [Pollard] should obtain 'top secret' documents."

Pollard has said he acted out of concern for Israel's safety and a belief that U.S. officials were not sharing adequate intelligence with Israel.